

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALAN THOMAS BRYANT	:	CIVIL ACTION
	:	
v.	:	NO. 07-811
	:	
JOHN THOMAS, <u>et al.</u>	:	

ORDER

AND NOW, this 4th day of June, 2007, upon careful and independent consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice (docket no. 6), and having received no objections thereto, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice for failure to exhaust state remedies;
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

S/ BRUCE W. KAUFFMAN
BRUCE W. KAUFFMAN, J.